



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**  
17555 PEAK AVENUE   MORGAN HILL   CALIFORNIA 95037

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<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Steve Tate, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Hedy L. Chang, Council Member	Hedy L. Chang, Agency Member
Cynthia J. Cook Council Member	Cynthia J. Cook, Agency Member
Greg Sellers, Council Member	Steve Tate, Agency Member

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**WEDNESDAY, OCTOBER 18, 2000**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**7:00 P.M.**

**CALL TO ORDER**  
(Mayor/Chair Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**  
**Per Government Code 54954.2**  
(City Clerk/Agency Secretary Torrez)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS**

Richard Guzman, Grounds Keeper  
Mark Rauscher, Utility Worker I  
Albert Yeong, Junior Engineer  
Juan Diaz, Grounds Keeper  
*Public Works*

**PRESENTATIONS**

Sponsors of the Trading Card Project  
*Morgan Hill Police Department*

Clean, Safe Creeks and Natural Flood Protection  
*Jim Fiedler & Rosemary Kamei, Santa Clara Valley Water District (SCVWD)*

Taste of Morgan Hill

**PROCLAMATIONS**

*Domestic Violence Awareness Month*  
Community Solutions

**CITY COUNCIL REPORT**

Council Member/Agency Member Tate

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #14 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate		Page
Consent Calendar: 1 - 10 Minutes		
1.	<b><u>SEPTEMBER 2000 FINANCE AND INVESTMENT REPORT</u></b> ..... 1 <b><u>Recommended Action:</u></b> <u>Accept and file</u> report.	
2.	<b><u>OUT OF AGENCY SERVICE REQUEST OASR 00-03: COPPER HILL DRIVE - WHITMIRE</u></b> ..... 27 <b><u>Recommended Action:</u></b> <u>Adopt</u> Resolution No. 5433 Approving the Forwarding of the Request to LAFCO.	
3.	<b><u>AWARD OF PURCHASE ORDER FOR DISMANTLING, TRANSPORTING AND INSTALLING MODULAR BUILDINGS FOR CITY HALL EXPANSION</u></b> ..... 37 <b><u>Recommended Action:</u></b> 1. In Accordance with Section 3.04.150A of City Code, <b><u>Determine</u></b> that the Competitive Bid Process for Moving and Re-installing the Modulares Would Not likely Result in a Lower Price to the City from a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Project, and 2. <b><u>Approve</u></b> Purchase Order in the Amount of \$13,762 with Damron Construction, Inc. for Dismantling, Transporting and Installing the Modular Buildings for City Hall Expansion.	
4.	<b><u>EXCHANGE OF LAND FOR RESERVOIR SITE</u></b> ..... 39 <b><u>Recommended Action:</u></b> <u>Approve</u> the Agreement and Joint Escrow Instructions for Exchange of This Property and <b><u>Authorize</u></b> the City Manager to Execute this Document, the Escrow Documents, and the Deed Needed to Effectuate This Change of Ownership.	
5.	<b><u>APPROVAL OF SOLE SOURCE PURCHASE OF WATER METERS</u></b> ..... 55 <b><u>Recommended Action:</u></b> 1. <b><u>Approve</u></b> Purchase of Water Meters from Sensus Technologies in Accordance with Section 3.04.120.A(4) of the Municipal Code - Brand Names or Equal Specification and Section 3.04.150.C - Sole Source Purchases, and 2. <b><u>Approve</u></b> Purchase Order of \$158,455 to Sensus Technologies for the Annual Supply of Water Meters.	
6.	<b><u>APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH BUTTERFIELD BUSINESS CENTER, LLC</u></b> ..... 61 <b><u>Recommended Action:</u></b> <u>Approve</u> the Subdivision Improvement Agreement and <b><u>Authorize</u></b> the City Manager to Sign the Agreement on Behalf of the City with Butterfield Business Center, LLC.	

7.	<b><u>REIMBURSEMENT AGREEMENT WITH JONES &amp; MOORE CONSTRUCTION, INC. FOR MCLAUGHLIN AVENUE PUBLIC IMPROVEMENTS</u></b> .....	71
	<b><u>Recommended Action:</u></b>	
	1. <b><u>Appropriate</u></b> \$32,563 from the Current Year Unappropriated Undergrounding Utilities Fund (Fund 350) Balance for the Utility Undergrounding Portion of the Work, and	
	2. <b><u>Approve</u></b> the Reimbursement Agreement and Authorize the City Manager to Execute the Agreement on Behalf of the City.	
8.	<b><u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u></b> .....	81
	<b><u>Recommended Action:</u></b> <b><u>Adopt</u></b> Resolution No. 5436 Amending the Management Professional and Confidential Employees Resolution No. 5320 to Assign a Salary Range and Job Description to the Position of Assistant to the City Manager.	
9.	<b><u>AMICUS REQUEST FROM CITY OF MOUNTAIN VIEW REGARDING WATER FLUORIDATION CASE</u></b> .....	89
	<b><u>Recommended Action:</u></b> <b><u>Authorize</u></b> the City Attorney to Join the City of Mountain View and the League of California Cities in Support of the Amicus Brief Filed on Behalf of the City of Mountain View in Lamar v. City of Mountain View.	
10.	<b><u>PROPOSITION 35: PUBLIC WORKS PROJECTS. USE OF PRIVATE CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL SERVICES</u></b> .....	91
	<b><u>Recommended Action:</u></b> <b><u>Adopt</u></b> Resolution No. 5435 Supporting Proposition 35.	
11.	<b><u>RECYCLING REWARDS CALENDAR</u></b> .....	99
	<b><u>Recommended Action:</u></b>	
	1. <b><u>Accept</u></b> Printing Bid for the Annual Recycling Rewards Calendar; and	
	2. <b><u>Authorize</u></b> the City Manager to Issue a Purchase Order in the Amount of \$35,577.45	
12.	<b><u>SUPPORT OF MEASURE B - CLEAN, SAFE CREEKS AND NATURAL FLOOD PROTECTION</u></b> .....	101
	<b><u>Recommended Action:</u></b> <b><u>Adopt</u></b> Resolution No. 5436, Endorsing Measure B - Clean, Safe Creeks and Natural Flood Protection	
13.	<b><u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 28, 2000</u></b> .....	105
14.	<b><u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 4, 2000</u></b> .....	109

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
15.	30 minutes	<b><u>EXTENSION OF TIME FOR USE PERMIT UP-99-02: CALLE ENRIQUE - GUEVARA</u></b> ..... <b>Recommended Action:</b> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Adopt</u> Resolution No. 5434 Denying Appeal.	111
16.	5 Minutes	<b><u>SIGN ORDINANCE TEXT AMENDMENT, APPLICATION ZA-00-12: CITY OF MORGAN HILL</u></b> ..... <b>Recommended Action:</b> Request Staff Presentation. Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1491, N.S.; <u>Motion to Introduce</u> Ordinance 1491, N.S. by Title Only.	167
<b><u>SECOND READING OF ORDINANCE:</u></b> Full Reading Waived By Majority Vote. (Government Code Section 36934) <b>Action -- <u>Adopt</u></b> Ordinance by roll call vote.			
17.	1 minutes	<b><u>ADOPT ORDINANCE NO. 1489, NEW SERIES</u></b> ..... An Ordinance of The City Council of The City of Morgan Hill Approving a Development Agreement with Coyote Ranch Limited Partners for a 5-Unit (Phase 5A) Addition to the Coyote Estates Project Which Was Awarded An Allocation Through the Residential Development Control System for Fiscal Year 2001 - 2002.	173
18.	1 minutes	<b><u>ADOPT ORDINANCE NO. 1490, NEW SERIES</u></b> ..... An Ordinance of The City Council of The City of Morgan Hill Establishing Chapter 15.64 of the Municipal Code Reviewing Wood-burning Appliances.	193

***City Council & Redevelopment Agency Action***

**CONSENT CALENDAR:**                   The Consent Calendar, Agenda Item #19 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
19.		<u>APPROVAL OF JOINT REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 27, 2000 . . . . .</u>	199

**OTHER BUSINESS:**

20.	10 minutes	<u>CITY COUNCIL AND REDEVELOPMENT AGENCY NOVEMBER, DECEMBER AND JANUARY MEETING SCHEDULE . . . . .</u> <u>Recommended Action: Discussion</u> and <u>Direction</u> regarding City Council and Redevelopment Agency Meeting Schedule.	213
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**OPPORTUNITY FOR PUBLIC COMMENT**

**CLOSED SESSION:**

	Time Estimate	
		1.
10 minutes		<b>CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION</b> Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case) Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property) City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel Closed Session Topic: Potential Litigation
		2.
		<b>CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION</b> Authority: Government Code section 54956.9(b)

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**